

E-FILED - 7/16/09

Attorneys for Defendant S.C. Johnson & Son, Inc.

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

WAYNE KOH, on behalf of himself and
all others similarly situated

Plaintiff,

V.

SC JOHNSON & SON, INC.,

Defendant.

Case No.: 09-cv-00927 RMW

Judge Roanld M. Whyte

**STIPULATION AND []
ORDER TO EXTEND TIME TO
ANSWER, MOVE OR OTHERWISE
RESPOND TO PLAINTIFFS'
COMPLAINT PURSUANT TO LOCAL
RULE 6-2**

STIPULATION

WHEREAS Plaintiff Wayne Koh commenced this action in this Court on March 2, 2009, on behalf of himself and a proposed class of similarly situated individuals;

WHEREAS on March 3, 2009 this Court filed an Order setting forth (i) June 16, 2009 as the last day to meet and confer regarding initial disclosures, early settlement, ADR process selection, and a discovery plan; (ii) June 30, 2009 as the last day to file a Rule 26(f) Report; and (iii) July 7, 2009 for an initial case management conference before this Court (this date has been amended by a May 6, 2009 Notice, changing the date to July 10, 2009);

WHEREAS on March 12, 2009 Plaintiff sent a request for waiver of service to Defendant SC Johnson which SC Johnson timely accepted and returned to plaintiff on March 30, 2009;

1 WHEREAS pursuant to Fed. R. Civ. P. (4)(d)(3), Defendant has sixty (60) days from the
2 date the Plaintiff sent the request for waiver of service to answer, move or otherwise respond to
3 Plaintiffs' Complaint, i.e., until May 11, 2009;

4 WHEREAS on May 1, 2009, Plaintiff filed an amended Complaint ("Amended Complaint")
5 adding additional claims;

6 WHEREAS pursuant to Fed. R. Civ. P. 15(a)(3), "any required response to an amended
7 pleading must be made within the time remaining to respond to the original pleading or within 10
8 days after service of the amended pleading, whichever is later." Therefore, the May 11, 2009
9 response deadline is still in effect;

10 WHEREAS Defendant SC Johnson has requested, to which Plaintiff has agreed, that
11 contingent upon permission of the Court the time for Defendant to answer or otherwise respond to
12 the Amended Complaint is extended to June 30, 2009;

13 WHEREAS other than the above-mentioned dates, no other deadlines have been set in this
14 case and this request is not made for the purpose of delay, and the parties respectfully submit that
15 granting this request will not materially affect the overall timetable for the rapid adjudication of the
16 case in this Court; and

17 WHEREAS no prior requests to extend time have been filed by either party.

18 ///

19 ///

1 THE PARTIES HEREBY STIPULATE AS FOLLOWS:

2 That SC Johnson's answer or other pleading in response to the Amended Complaint is
3 extended to June 30, 2009.

4
5 **IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.**

6 Dated: May 6, 2009

7
8 s/ Michael R. Reese
One of the Attorneys for Plaintiffs

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s/ Nickolas A. Kacprowski
One of the Attorneys for Defendant

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ATTESTATION PURSUANT TO GENERAL ORDER 45

I, Nickolas A. Kacprowski, am the ECF user whose ID and password are being used to file this STIPULATION AND [PROPOSED] ORDER TO EXTEND TIME TO ANSWER, MOVE OR OTHERWISE RESPOND TO PLAINTIFFS' COMPLAINT PURSUANT TO LOCAL RULE 6-2. In compliance with General Order 45, X.B., I hereby attest that Michael R. Reese, counsel for Plaintiff Wayne Kohl, has concurred in this filing.

_____/s/ Nickolas A. Kacprowski

ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED, that Defendant S.C. Johnson & Son, Inc. must answer, move or otherwise respond to Plaintiff's Amended Complaint on June 30, 2009.

DATED: 7/16/09



Hon. Ronald M. Whyte
United States District Court Judge

CERTIFICATE OF SERVICE

I, Nickolas A. Kacprowski, declare:

I am a citizen of the United States and employed in San Francisco County, California. I am over the age of eighteen years and not a party to the within-entitled action. My business address is 555 California Street, San Francisco, California 94104. On May 7, 2009, I electronically filed the following with the Clerk of the court using the CM/ECF system which will send notification of such filing to the registered e-mail addresses in this matter, and I hereby certify that I have served the following documents or paper via U.S. mail to the non-CM/ECF participants:

**STIPULATION AND [PROPOSED] ORDER TO EXTEND TIME TO ANSWER, MOVE
OR OTHERWISE RESPOND TO PLAINTIFFS' COMPLAINT PURSUANT TO
LOCAL RULE 6-2**

_____/s/ Nickolas A. Kacprowski